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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,544	10/17/2003	Neil P. Adams	555255012606	1135
7590 John V. Biernacki, Esq. JONES DAY North Point 901 Lakeside Ave. Cleveland, OH 44114				
EXAMINER				
VU, VIET DUY				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
10/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,544

Applicant(s)

ADAMS ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,9-11 and 13-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-56 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,9-11,13-16,18-28,30-32,57-73 and 75-77 is/are rejected.
- 7) ☒ Claim(s) 17,29 and 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The indication of allowability of subject matter in previous claims 8-11 and 18 is now withdrawn in light of newly found art, Dalia. This same reference was also applied in the copending application 10/688,543.

Art Rejections:

2. The text of 35 USC 103(a) not cited here can be found in previous office action.

3. Claims 1-2, 5, 9-11, 13-16, 18-28, 30-32, 57-73 and 75-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delia et al, U.S. pat. Appl. Pub. No. 2003/0225837.

Per claims 1-2 and 5, Dalia discloses a method of selecting messaging settings on a messaging client comprising the steps of:

a) determining a recipient of an outgoing message (see par. 46); and

b) retrieving a messaging setting from a data store based upon the determined recipient (par. 46); wherein the retrieved messaging setting is a security setting by providing an indication for encryption (see par. 28-33); wherein the retrieved messaging setting is displayed in a messaging setting portion of an outgoing message compose screen (see par. 38);

wherein the messaging setting portion for the outgoing message includes a field that is modified by a user to indicate a change in message setting for a first message, i.e., overriding default security setting for the first message (see par. 41).

Dalia does not explicitly teach that the overriding setting would not apply to a subsequently composed outgoing message. An official notice is taken that the common use of an overriding setting is that it is only applied to current message but it would not change the default setting for subsequent message.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply such common use of overriding setting in Dalia because it would have prevented undesired modification of the default setting for other messages.

Per claim 9-11, 13-15 and 19, Dalia's teachings encompass all claim limitations.

Per claims 16 and 18, Dalia teaches enabling user to override a default security setting via a user interface (see par. 41).

Claims 20-28, 30-32, 57-73 and 75-77 are rejected for the same rationale set forth for claims 1-2, 5, 9-11, 13-16 and 18-19.

Allowable Subject Matter:

4. Claims 17, 29 and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 33-56 are allowed.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Viet Vu/
Primary Examiner, Art Unit 2154
9/26/08